

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A mobile communication system comprising:

a holding unit configured to hold layered data and data indicating an amount of radio resources required for transmitting the layered data;

a determination unit configured to determine at least one layered data to designate layers of data for transmission to respective ones of to be transmitted from base stations for to mobile stations [[of]] for respective radio areas, the designation being with reference to the holding unit, based on area resource information concerning radio resources for the respective radio areas covered by the base stations so that the layers of data are selectively provided to the respective radio area in correspondence with available radio resources; and

a radio transmitter configured to transmit the at least one layered data determined by the determination unit from the base station to the mobile stations according to the designation of the determination unit.

Claim 2 (Currently Amended): A radio network controller comprising:

a holding unit configured to hold layered data and data indicating an amount of radio resources required for transmitting the layered data;

a determination unit configured to designate layers of data for transmission to respective ones of at least one layered data to be transmitted from base stations for to mobile stations [[of]] for respective radio areas, the designation being with reference to the holding unit, based on area resource information concerning radio resources for the respective radio areas covered by the base stations so that the layers of data are selectively provided to the respective radio area in correspondence with available radio resources; and

a data transmitter configured to transmit the data to the base stations according to a
~~the designation of the determination by the determination unit to the respective base stations.~~

Claims 3-4 (Canceled).

Claim 5 (Currently Amended): The radio network controller [[of]] according to claim
2, further comprising:

a resource information receiver configured to receive the area resource information
from the base stations, wherein

the determination unit is configured to determine at least one layered
data based on the area resource information received by the resource information receiver.

Claim 6 (Currently Amended): A base station comprising:
a holding unit configured to hold layered data and data indicating an amount of radio
resources required for transmitting the layered data;

a determination unit configured to designate layers of data for transmission to
respective ones of for mobile stations of determine at least one layered data to be transmitted
to mobile stations for respective radio areas, the designation being with reference to the
holding unit, based on area resource information concerning radio resources for the
respective radio areas covered by the base station so that the layers of data are selectively
provided to the respective radio area in correspondence with available radio resources; and

a radio transmitter configured to transmit the data the at least one layered data
determined by the determination unit to the mobile stations according to a the designation of
the determination unit.

Claims 7-8 (Canceled).

Claim 9 (Currently Amended): The base station [[of]] according to claim 6, further comprising:

a resource information collection unit configured to collect the area resource information, wherein

the determination unit ~~determines~~ is configured to determine the at least one layered data, based on the area resource information collected by the resource information collection unit.

Claim 10 (Currently Amended): A base station comprising:

a notification unit configured to notify a radio network controller of area resource information concerning radio resources for respective radio areas covered by the base station;

a data receiver configured to receive ~~data being layered~~ at least one layered data for the respective radio areas transmitted from the radio network controller based on the area resource information notified by the notification unit ~~so that the layered data is selectively provided by layer to the respective radio area in correspondence with available radio resources~~; and

a radio transmitter configured to transmit the at least one layered data received by the data receiver to mobile stations for the respective radio areas.

Claim 11 (Currently Amended): The base station [[of]] according to claim 10, further comprising:

a resource information collection unit configured to collect the area resource information, wherein

the notification unit notifies is configured to notify the radio network controller of the area resource information collected by the resource information collection unit.

Claim 12 (Currently Amended): A communication method used in a mobile communication system which comprises a holding unit configured to hold layered data and data indicating an amount of radio resources required for transmitting the layered data, the communication method comprising:

determining as to layers of data at least one layered data to be transmitted [[by]] from base stations to mobile stations for respective radio areas, with reference to the holding unit, based on area resource information concerning radio resources for the respective radio areas covered by the base stations so that the layered data is selectively provided by layer to the respective radio area in correspondence with available radio resources; and

transmitting the at least one layered data determined in the determining step to the mobile stations according to a determination.

Claim 13 (New): The radio network controller according to claim 2, wherein the area resource information is at least one of radio resources capacity for the respective radio areas covered by the base stations and radio resources amount currently available for the respective radio areas.

Claim 14 (New): The base station according to claim 10, wherein the area resource information is at least one of radio resources capacity for the respective radio areas covered by the base station and radio resources amount currently available for the respective radio areas.